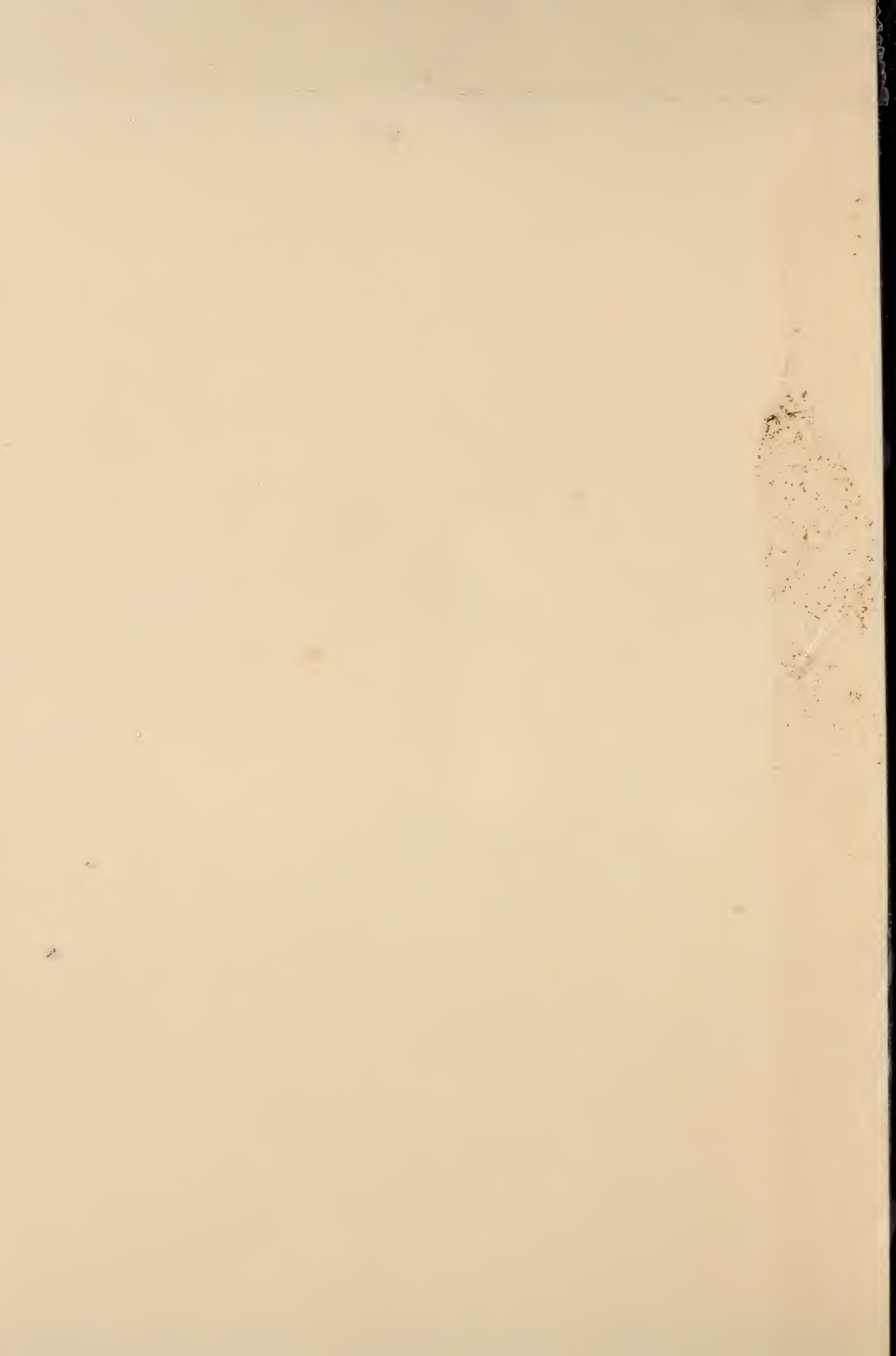


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United States Department of Agriculture

AGRICULTURAL MARKETING SERVICE

NOTICES OF JUDGMENT UNDER THE INSECTICIDE ACT

[Given pursuant to section 4 of the Insecticide Act]

1763-1777

[Approved by the Acting Secretary of Agriculture, Washington, D. C., March 7, 1941]

1763. Misbranding of Pine Disinfectant. U. S. v. Wilco Laboratories, Inc. Plea of guilty. Fine, \$50. (I. & F. No. 2179. Sample No. 86164-D.)

The bottle containers of this product were found to contain less of the article than that stated on the label. The label also failed to bear the required ingredient statement.

On July 9, 1940, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Wilco Laboratories, Inc., New York, N. Y., alleging shipment in interstate commerce on or about September 29, 1939, from New York, N. Y., into the State of Connecticut, of a quantity of Purity Pine Disinfectant which was a misbranded fungicide within the meaning of the Insecticide Act of 1910.

The article was alleged to be misbranded in that the statement, "4 Fluid Ounces," borne on the label, was false and misleading and in that, by reason of the said statement, it was labeled so as to deceive and mislead purchasers, since each of the bottles contained less than four fluid ounces of the article. The article was alleged to be misbranded further in that it consisted partially of an inert substance, namely, water, and the name and the percentage amount thereof were not stated plainly and correctly, or at all, on the label; nor in lieu thereof were the name and percentage amount of each substance or ingredient having fungicidal properties, and the total percentage of the inert substances or ingredients so present therein, stated plainly and correctly on the label.

On September 5, 1940, a plea of guilty was entered and a fine of \$50 was imposed.

GROVER B. HILL,

*Acting Secretary of Agriculture.***1764. Adulteration and misbranding of Coal Tar Disinfectant. U. S. v. The Apex Chemical Co., Inc. Plea of guilty. Fine, \$100 and costs.** (I. & F. No. 2185. Sample No. 318-E.)

Analysis of a sample of this product showed that it consisted in part of mineral oil and the label failed to bear the required ingredient statement.

On June 24, 1940, the United States attorney for the Eastern District of North Carolina, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Apex Chemical Co., Inc., Apex, N. C., alleging shipment in interstate commerce on or about March 6, 1940, from Apex, N. C., into the State of South Carolina of a quantity of Coal Tar Disinfectant which was adulterated and misbranded within the meaning of the Insecticide Act of 1910.

The article was alleged to be adulterated in that the statement, "Coal Tar Disinfectant," borne on the drum containing the article, purported and represented that the standard and quality of the article were such that it consisted entirely of coal tar disinfectant, whereas it did not consist of coal tar disinfectant but another substance, namely, mineral oil, which had been substituted in part for the article, that is to say, for coal tar disinfectant.

The article was alleged to be misbranded in that the statement, "Coal Tar Disinfectant," was false and misleading and in that, by reason of the said statement, the article was labeled so as to deceive and mislead the purchaser, since it did not consist of coal tar disinfectant but did consist of coal tar disinfectant and mineral oil. The article was alleged to be misbranded further in that it consisted partially of inert substances, namely, water and mineral oil, and the name and the percentage amounts thereof were not stated on a label or on the drum containing the article; nor, in lieu thereof, were the name and percentage amount of each and every substance or ingredient having fungicidal properties, and the total percentage of the inert substances so present therein, stated plainly and correctly on a label or on the drum.

On September 9, 1940, a plea of guilty was entered and the court imposed a fine of \$100 and costs.

GROVER B. HILL,
Acting Secretary of Agriculture.

1765. Misbranding of Thornton's Cactus Crystals. U. S. v. 21 packages of Thornton's Cactus Crystals. Default decree of condemnation and destruction. (I. & F. No. 2190. Sample No. 13,396-E.)

The sample packages were found to contain less than one pound each of this product, the amount claimed on the label. The label was found, also, to contain unwarranted insecticidal claims when used against moths as directed.

On or about July 17, 1940, the United States attorney for the District of Oregon, acting upon a report by the Secretary of Agriculture, filed in the District Court a libel praying seizure and condemnation of 21 packages of Thornton's Cactus Crystals at Portland, Oreg., alleging that the article had been shipped in interstate commerce on or about June 18, 1931, by the L. M. Thornton Manufacturing Company, from Kansas City, Mo., and charging that it was a misbranded insecticide within the meaning of the Insecticide Act of 1910.

The article was alleged to be misbranded in that the statements, "(Label) Thornton's Cactus Crystals ONE POUND NET. Moth Exterminator—Kills Moths * * * Cactus Crystals Moth Exterminator. Directions for Using For best results place clothing or fabrics in a tight closet, trunk, box or bag. The container should be air tight if possible in order to prevent the escape of gas thrown off by slow vaporization which takes place when Cactus Crystals is exposed to the air. The use of gummed tape for sealing closets, trunks, etc., is recommended. Remove the lid from Cactus Crystal and place the container on the top shelf of the closet or sprinkle liberally among clothing and in pockets if packed in a trunk or box. * * * General Uses Sprinkle liberally in the nap and under rugs, on sofas, between and under cushions, in bureau drawers and all storage places for clothing, furs or fabrics. The gas formed by the vaporizing of Cactus Crystals will not only kill moths that come in contact with it but will prevent infestation while the gas is present. * * * Control * * * When storing clothing seal a quantity of Thornton's Cactus Crystals with the clothing in air tight bags, closets or trunks for absolute protection against moths, (Displaying Circular) KILLS MOTHS," were false and misleading, and in that, by reason of the said statements, the article was labeled so as to deceive and mislead purchasers, since each of the packages contained less than 1 pound net, and since the article, when used as directed, would not kill moths and would not exterminate moths.

On September 11, 1940, no claimant having appeared, a decree of condemnation and forfeiture was entered and it was ordered that the product be destroyed.

GROVER B. HILL,
Acting Secretary of Agriculture.

1766. Adulteration and misbranding of Konisol, misbranding of Pine-O-Zone Disinfectant, and misbranding of Technichlor. U. S. v. Sentinel Chemical Company, Inc. Plea of guilty. Fine, \$60. (I. & F. No. 2188. Sample Nos. 83519-D, 83520-D, 83521-D.)

The Konisol contained less alcohol and more inert ingredients than were stated on the label, which bore, also, unwarranted claims that the article would act as a disinfectant, would check the breeding of flies, and would exterminate fleas and lice, when used as directed. The label for the Pine-O-Zone Disinfectant also bore unwarranted disinfectant claims, and claims that the article would check the breeding of flies and would exterminate fleas and lice, when used as directed. The label for the Technichlor bore unwarranted

claims that it would act as a sterilizer and that it contained the parts per million and the percentage amounts of chlorine stated on the label, when used as directed. The label also failed to bear the required ingredient statement.

On September 5, 1940, the United States attorney for the Northern District of California, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Sentinel Chemical Company, Inc., Oakland, Calif., alleging shipment in interstate commerce on or about March 11, April 1, and November 17, 1939, from Oakland, Calif., into the State of Oregon, of a quantity of Konisol, which was an adulterated and misbranded insecticide and fungicide, a quantity of Pine-O-Zone Disinfectant, which was a misbranded insecticide and fungicide, and a quantity of Technichlor, which was a misbranded fungicide, within the meaning of the Insecticide Act of 1910.

The Konisol was alleged to be adulterated, since its strength and purity fell below the professed standard and quality under which it was sold, in that it contained less alcohol and more inert ingredients than were stated on the label.

The Konisol was alleged to be misbranded in that the following statements, "Alcohol % * * * Inert Ingredients 3% * * * SENTINEL KONISOL * * * As a disinfectant: dilute one tablespoonful in a quart of water, or two or more ounces to a gallon of water. USE FREELY: for the emersion of instruments and tools used in physicians and dentists offices, medical and veterinary hospitals, beauty salons, barber shops, sick rooms, * * *. To check * * * fly breeding: dilute two ounces or more to the gallon of water. * * * To exterminate fleas, lice, * * *: dilute one-half a cupful to a gallon of water," borne on the label, were false and misleading and tended to deceive and mislead purchasers, since the article contained less alcohol and more inert ingredients than were stated on the label; it would not act as a disinfectant, it would not check the breeding of flies, and it would not exterminate fleas and lice, when used as directed.

The Pin-O-Zone Disinfectant was misbranded in that the statements, "SENTINEL PINE-O-ZONE Disinfectant * * * AS A DISINFECTANT: dilute 2 tablespoonfuls in a quart of water, 3 or 4 ounces to a gallon of water. USE FREELY: for the emersion of instruments and tools used in physicians and dentists offices, medical and veterinary hospitals, beauty salons, barber shops, sick rooms, * * *. To check * * * fly breeding: dilute 3 to 4 oz. or more to the gallon of water. * * * TO EXTERMINATE FLEAS, LICE * * * dilute one-half a cupful to a gallon of water," borne on the label, were false and misleading and tended to deceive and mislead purchasers, since the product would not act as a disinfectant, it would not check the breeding of flies, and it would not exterminate fleas and lice, when used as directed.

The Technichlor was misbranded in that the following statements "CLEANSING AND STERILIZING * * * Directions To Make One Gallon Chlorine Solution. Parts Per Million; Per Cent; Ant. Dry Technichlor; 50—005—1½ Teaspoons; 100—.01—2%; 200—.02—5½; 500—.05—13; 1000—.1—26," borne on the label were false and misleading and tended to deceive and mislead purchasers, since the article would not act as a sterilizer and the solutions of the article, when prepared as directed on the label, would not contain the parts per million or the percentage amounts of chlorine stated. The Technichlor was misbranded further, since it consisted partially of inert substances or ingredients and the name and percentage amount of each substance or ingredient were not stated plainly and correctly on the label; nor in lieu thereof were the name and percentage amount of each substance or ingredient of the article having fungicidal properties, and the total percentage of the inert substances or ingredients, stated plainly and correctly on the label.

On September 23, 1940, a plea of guilty was entered, and on September 28, 1940, a fine of \$60 was imposed.

GROVER B. HILL,
Acting Secretary of Agriculture.

1767. Adulteration and misbranding of Copper Solution and Super Copper. U. S. v. Hammond Paint and Chemical Co., a corporation (two cases combined in one information). (I. & F. Nos. 2077, 2110. Sample Nos. 10094-D, 10430-D, 25154-D.)

Analysis of the samples of each of these products showed that they contained a smaller percentage of copper and a greater percentage of inert material than were claimed on the label.

On June 27, 1940, the United States attorney for the Southern District of New York, acting upon reports by the Secretary of Agriculture, filed in the district court an information against the Hammond Paint and Chemical Co., a corporation, Beacon, N. Y., alleging shipments in interstate commerce, on or about January 8, May 9, and August 27, 1938, from Beacon, N. Y., into the State of Florida, of two lots of Copper Solution and one lot of Super Copper that were adulterated and misbranded fungicides within the meaning of the Insecticide Act of 1910.

The Copper Solution in each of the two shipments of that product was alleged to have been adulterated in that its strength and purity fell below the professed standard and quality under which it was sold, namely, "Active Ingredients: Metallic Copper 3.05%, Inert Material 96.95%."

The Copper Solution was alleged to be misbranded in that the statements, "Active Ingredients: Metallic Copper 3.05%, Inert Material 96.95%," borne on the label, were false and misleading, and in that the article was labeled so as to deceive and mislead the purchaser", since it contained less than 3.05 percent of copper and more than 96.95% of inert material.

The Super Copper was alleged to be adulterated since its strength and purity fell below the professed standard and quality under which it was sold, namely, "Active Ingredients: Metallic Copper 15.00%; Inert Material 85%."

The Super Copper was alleged to be misbranded in that the statements, "Active Ingredients: Metallic Copper 15.00%; Inert Material 85%," borne on the label, were false and misleading, and in that it was labeled and branded so as to deceive and mislead the purchaser, since the article contained less than 15 percent of copper and more than 85 percent of inert material.

On September 25, 1940, a plea of guilty was entered and a fine of \$600 was imposed.

GROVER B. HILL,

Acting Secretary of Agriculture.

1768. Adulteration and misbranding of Dixie Pineen Disinfectant. U. S. v. Daniel H. Markstein, Sr. Plea of nolo contendere. Fine, \$50 and costs. (I. & F. No. 2125. Sample No. 62501-D.)

Samples of this product were found to contain a larger percentage of water than that stated on the label. The label also was found to bear unwarranted disinfectant claims.

On May 25, 1939, the United States attorney for the Northern District of Alabama, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Daniel H. Markstein, Sr., Birmingham, Ala., alleging shipment in interstate commerce on or about December 16, 1938, from Birmingham, Ala., into the State of Mississippi, of a quantity of a product known as Dixie Pineen Disinfectant, which was an adulterated and misbranded fungicide within the meaning of the Insecticide Act of 1910.

The product was alleged to be adulterated, in that its strength and purity fell below the professed standard and quality under which it was sold, namely, "Inert matter not over 10% water."

The product was alleged to be misbranded in that the statements, "Inert matter not over 10% water * * * Directions: Add two ounces, 'Dixie Pineen Disinfectant' to each gallon water. Mix thoroughly and sprinkle or spray disinfectant where needed," borne on the label, were false and misleading and tended to deceive and mislead the purchaser since the product contained water in a proportion greater than 10 percent and the product would not be an effective disinfectant, when applied as directed.

On October 4, 1940, a plea of nolo contendere was entered and a fine of \$50 and costs was imposed.

GROVER B. HILL,

Acting Secretary of Agriculture.

1769. Adulteration and misbranding of Devil Dust. U. S. v. The Ridge Tool Co., a corporation. Plea of guilty. Fine, \$100. (I. & F. No. 2177. Sample Nos. 10525-D, 55883-D.)

The label and the two circulars shipped with this product bore unwarranted insecticidal claims. The label also failed to bear the required ingredient statement.

On June 4, 1940, the United States attorney for the Northern District of Ohio, acting upon a report by the Secretary of Agriculture, filed in the district court

an information against The Ridge Tool Co., a corporation, Elyria, Ohio, alleging shipment in interstate commerce on or about March 7, 1938, and July 17, 1939, from Shawville, Ohio, into the States of Pennsylvania and Illinois, of quantities of a product known as "Devil Dust," which was an adulterated and misbranded insecticide and fungicide within the meaning of the Insecticide Act of 1910.

The product involved in each shipment was alleged to be adulterated in that it was intended for use on vegetation and it would be injurious to such vegetation when used as directed.

The product in each of the two shipments was alleged to be misbranded in that certain statements borne upon the labels, namely, "As Insect Repellent. Dusting all your plants regularly, even though no insects * * * are evident is a sure way to keep them clean and insure good growth and bloom all season. Do not wait till pests are present. For young tender plants, such as cucumbers and melons, dust very lightly. * * * Cleans Gladiolus and other Bulbs 100% Gladiolus and other bulbs are made absolutely free from thrips, bulb mite, etc., by treatment with Devil Dust while dormant," "Protects Flowers, Shrubs, Vegetables and Fruits Against Many * * * Pests. * * * Regular dusting of your plants with Devil Dust will keep them free from many of the most harmful * * * fungous diseases * * * Apply Devil Dust as it comes from the package, with a Ridgid Hand Dust Gun. Do not apply to wet plants. Dust dry plants thoroughly but lightly on under side as well as on top. Where * * * fungus are thick, apply first dusting more heavily and follow with regular light dustings during the growing season before bloom appears. Dust every ten days or two weeks and most * * * fungous troubles will be avoided. * * * Protects Flowers, Shrubs, Vegetables and Fruits Against Many * * * Fungous Pests. * * * Dusting all your plants regularly, even though no * * * diseases are evident is a sure way to keep them clean and insure good growth and bloom all season." "Devil Dust will not burn dry Plants do not apply to wet plants * * * Safe to use Devil Dust positively will not burn dry plants. Do not apply to wet plants. Safe to use on vegetables. * * *," and certain statements borne on a blue and yellow circular and a green and white circular shipped with the article, were false and misleading and tended to deceive and mislead purchasers, in that the product, when used as directed, would not repel all insects; would not make gladiolus and other bulbs absolutely free from thrips, bulb mite, etc.; would not control all pests, kill all insects by contact, kill all insect enemies, etc.; would not act as an effective fumigator for white fly, etc.; would not control all greenhouse pests; would not check all fungi, all rusts, all mildews, all damping-off, etc.; would not keep flowers, shrubs, vegetables, and fruits free from the more important fungous diseases, and most fungous troubles would not be avoided; would not serve as a powerful weapon against fungous diseases that every grower of flowers or vegetables is engaged in fighting, would not check all fungous diseases such as rust, mildew, or damping-off, etc; regular applications would not promptly clean up infestations of all the diseases involved in the recommendations, and would not keep plants healthy and vigorous, allowing them to grow more luxuriantly; would not control all pests, would not halt the progress of all fungous diseases, would not be highly efficient against fungous diseases, and does not possess relatively good dusting properties; would not assure clean gladiolus corms and it would not be a sure and effective method of preventing all pests and would not free gladioli of all pests; it would injure certain plants while they are dry, when used as directed, it would not be safe to use the product on all plants or on all vegetables; its toxic effect while in the package was not mild only and in the air it would be more harmful than any other dust breathed into the lungs.

The product in each of the shipments was misbranded further in that it consisted partially of inert substances or ingredients, and the name and percentage amounts thereof were not stated plainly and correctly on the label; nor in lieu thereof were the name and percentage amount of each and every substance or ingredient of the article having insecticidal or fungicidal properties, and the total percentage of the inert substances or ingredients present therein, stated plainly and correctly on the label.

On October 18, 1940, a plea of guilty was entered and a fine of \$100 was imposed.

GROVER B. HILL,
Acting Secretary of Agriculture.

1770. Adulteration and misbranding of Powdered Derris Root. U. S. v. S. B. Penick & Co., a corporation. Verdict of Guilty. Fine, \$200. (I. & F. No. 1892. Sample No. 48819-B.)

Samples of this product were found to contain a smaller percentage of rotenone than that stated on the label.

On May 6, 1936, the United States attorney for the District of New Jersey, acting upon a report by the Secretary of Agriculture, filed in the district court an information against S. B. Penick & Co., a Delaware corporation, Weehawken, N. J., alleging shipment in interstate commerce on or about November 12, 1935, from Weehawken, N. J., into the State of South Carolina, of a quantity of powdered derris root that was an adulterated and misbranded insecticide within the meaning of the Insecticide Act of 1910.

The product was alleged to be adulterated in that its strength and purity fell below the professed standard and quality under which it was sold, namely, "5% rotenone."

The product was alleged to be misbranded in that the statement, "5% rotenone," borne on the label, was false and misleading and tended to deceive and mislead the purchaser, since the product contained rotenone in a proportion much lower than 5 percent.

On October 25, 1940, the case having come on for trial before a jury, a verdict of guilty was entered and the court imposed a fine of \$200.

GROVER B. HILL,
Acting Secretary of Agriculture.

1771. Misbranding of Kno-Mold. U. S. v. Johnston Chemical Manufacturing Co., a corporation. Plea of nolo contendere. Fine, \$100. (I. & F. No. 2186. Sample No. 96907-D.)

The label and two circulars shipped therewith bore unwarranted claims that the product would control blue mold of tobacco, when used as directed, that it possessed the food and stimulant values set forth therein, that it would revive sick tobacco plants more quickly than anything known, and that it would not cause damage to plants at any strength.

On September 4, 1940, the United States attorney for the Eastern District of North Carolina, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Johnston Chemical Manufacturing Co., a North Carolina corporation, Smithfield, N. C., alleging shipment in interstate commerce, on or about February 3, 1940, from Smithfield, N. C., into the State of Georgia, of a quantity of a product known as "Kno-Mold," which was a misbranded fungicide within the meaning of the Insecticide Act of 1910.

The product was alleged to be misbranded in that the statement borne on the can label, "Kno-Mold a scientific and tested treatment for the prevention and control of blue mold on tobacco beds * * *" and the statement on a small circular entitled "Instructions For the Use of 'Kno-Mold'," and in a large circular entitled "Don't Let Blue Mold Ruin Your Plants," were false and misleading and tended to deceive and mislead purchasers, in that the label and circulars represented that the product would prevent and control blue mold on tobacco when used as directed, that it possessed the food and stimulant values set forth in the labeling, that it would revive sick plants more quickly than anything known, and that it would not cause damage to plants at any strength, whereas the product would not accomplish the results so claimed.

On October 28, 1940, a plea of nolo contendere was entered and a fine of \$100 was imposed.

GROVER B. HILL,
Acting Secretary of Agriculture.

1772. Misbranding of Kno-Mold. U. S. v. 1200 Half-Pound Cans and 288 1-Pound Cans of Kno-Mold. Default decree of condemnation and destruction. (I. & F. No. 2176. Sample No. 96007-D.)

The label and two circulars shipped therewith bore unwarranted claims that the product would control blue mold of tobacco when used as directed, that it possessed the food and stimulant values set forth therein, that it would revive sick tobacco plants more quickly than anything known, and that it would not cause damage to plants at any strength.

On March 30, 1940, the United States attorney for the Middle District of Georgia, acting upon a report by the Secretary of Agriculture, filed in the district court a libel against 1,200 half-pound cans and 288 1-pound cans of

a product known as "Kno-Mold," at Moultrie, Ga., alleging that the article had been shipped in interstate commerce on or about February 3, 1940, by the Johnston Chemical Manufacturing Company, from Smithfield, N. C., and charging that it was a misbranded fungicide within the meaning of the Insecticide Act of 1910.

The product was alleged to be misbranded in that the statements borne on the can label, "Kno-Mold a scientific and tested treatment for the prevention and control of blue mold on tobacco beds * * *," and the statements on a small circular entitled "Instructions For the Use of 'Kno-Mold'," and in a large circular entitled "Don't Let Blue Mold Ruin Your Plants," were false and misleading and tended to deceive and mislead purchasers, in that the label and circulars represented that the product would prevent and control blue mold on tobacco when used as directed, that it possessed the food and stimulant values set forth in the labeling, that it would revive sick plants more quickly than anything known, and that it would not cause damage to plants at any strength, whereas the product would not accomplish the results so claimed.

On November 18, 1940, a claim and answer having been filed by the Johnston Chemical Manufacturing Company and the claim having failed for lack of prosecution, a default decree of condemnation and forfeiture was entered and it was ordered that the product be destroyed.

GROVER B. HILL,
Acting Secretary of Agriculture.

1773. Adulteration and misbranding of Weston's Louse Powder. U. S. v. The Weston Manufacturing and Supply Co., Inc. Plea of guilty. Fine, \$100. (I. & F. No. 2187. Sample No. 75960-D.)

Samples of this product were found to contain a smaller percentage of active ingredients and a larger percentage of inert ingredients than was stated on the label, and the label did not bear the ingredient statement required by law.

On July 31, 1940, the United States attorney for the District of Colorado, acting upon a report by the Secretary of Agriculture, filed in the district court an information against The Weston Manufacturing and Supply Co., Inc., Denver, Colo., alleging shipment in interstate commerce on or about November 8, 1939, from Denver, Colo., into the State of Ohio, of a product known as "Weston's Louse Powder," which was an adulterated and misbranded insecticide within the meaning of the Insecticide Act of 1910.

The product was alleged to be adulterated in that its strength or purity fell below the professed standard or quality under which it was sold, namely, "Active Ingredients 9.97% Inert Ingredients 90.03%."

The product was alleged to be misbranded, since it contained active ingredients in a proportion less than 9.97% and inert ingredients in a proportion greater than 90.03%. The product was alleged to be misbranded further, in that it consisted partially of inert substances and the name and percentage amount thereof were not stated plainly and correctly on the label; nor in lieu thereof were the name and percentage amount of each substance or ingredient of the product having insecticidal properties, and the total percentage of the inert substances or ingredients, stated plainly and correctly on the label.

On November 19, 1940, a plea of guilty was entered and a fine of \$100 was imposed.

GROVER B. HILL,
Acting Secretary of Agriculture.

1774. Misbranding of Disinfecting Spray. U. S. v. 119 Drums of Disinfecting Spray. Consent decree of condemnation and sale. (I. & F. No. 1895. Sample No. 51070-B.)

This product was falsely labeled as a disinfecting spray. The label also failed to bear the required ingredient statement.

On April 14, 1936, the United States attorney for the District of New Jersey, acting upon a report by the Secretary of Agriculture, filed in the district court a libel against 119 drums of a product, labeled as "Disinfecting Spray," at Union, N. J., alleging that the article had been shipped in interstate commerce on or about March 14, 1936, by the United Refining Corporation, from New York, N. Y., and charging that it was a misbranded fungicide within the meaning of the Insecticide Act of 1910.

The product was alleged to be misbranded in that the statement, "Disinfecting Spray," borne on the drums, was false and misleading and tended to deceive and mislead purchasers. The product was alleged to be misbranded further,

in that it consisted partially of an inert substance, namely, water, and the name and percentage amount thereof were not stated plainly and correctly on the label; nor in lieu thereof were the name and the percentage amount of each substance or ingredient having fungicidal (bactericidal) properties, and the total percentage of the inert substance contained therein, stated plainly and correctly on the label.

On November 20, 1940, the claimant having admitted the truth of the allegations and having agreed to the entry of a decree, a decree of condemnation was entered, ordering that the product be sold by the claimant to a purchaser that met the approval of the Investigator In Charge of the Alcohol Tax Unit, Newark, N. J., and that the proceeds of such sale first be applied to all charges incurred by the Government and that the remainder be divided equally between the Government and B. L. Muller, trading as the universal Paint and Varnish Co. The decree provided further that in the event the sale was not consummated within 30 days, the product should be disposed of according to law, and the interest of the claimant should be terminated.

GROVER B. HILL,
Acting Secretary of Agriculture.

1775. Misbranding of Pine Disinfectant. U. S. v. The Royal Manufacturing Co., a corporation. Plea of guilty. Fine, \$25. (I. & F. No. 2170. Sample No. 82954-D.)

It was falsely stated on the label that this product was many times stronger than carbolic acid, [inferentially against all microorganisms] and the label failed to bear the required ingredient statement required by law.

On April 16, 1940, the United States attorney for the Southern District of Georgia, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Royal Manufacturing Co., a corporation, Augusta, Ga., alleging shipment in interstate commerce on or about August 8, 1939, from Augusta, Ga., into the State of South Carolina, of a quantity of Pine Disinfectant, which was a misbranded fungicide within the meaning of the Insecticide Act of 1910.

The product was alleged to be misbranded in that the statement, "A high grade disinfectant that is many times stronger than carbolic acid," borne on the label, was false and misleading and tended to deceive and mislead the purchaser, since the product was not many times stronger than carbolic acid against all microorganisms. The product was alleged to be misbranded further in that it did consist partially of an inert substance or ingredient, namely, water, and the name and the percentage amount thereof were not stated plainly and correctly on the label; nor in lieu thereof were the name and the percentage amount of each and every substance or ingredient of the article having fungicidal (bactericidal) properties, and the total percentage of the inert substances or ingredients so present therein, stated plainly and correctly on the label.

On November 30, 1940, a plea of guilty was entered and a fine of \$25 was imposed.

GROVER B. HILL,
Acting Secretary of Agriculture.

1776. Misbranding of Superl Moth Block, adulteration and misbranding of Soluble Pine Oil, and adulteration and misbranding of Coal Tar Disinfectant. U. S. v. Easterday Supply Company, Inc. Plea of guilty. Fine, \$60. (I. & F. No. 2195. Sample Nos. 13612-E, 13613-E, and 13614-E.)

The label for the Superl Moth Block bore unwarranted claims that the product would control clothes moths when used as directed. The Soluble Pine Oil contained more water than was stated on the label, which also bore unwarranted claims that the product was a most powerful germicide and antiseptic and that it would quickly destroy foul odors and disease germs. The Coal Tar Disinfectant was found to consist of coal tar disinfectant and mineral oil. The label for this product also failed to bear the required ingredient statement.

On November 22, 1940, the United States attorney for the Northern District of California, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Easterday Supply Company, Inc., San Francisco, Calif., alleging shipment in interstate commerce, on or about March 2, 1940, from San Francisco, Calif., into the State of Washington, of a quantity of a product labeled "Superl Moth Block," which was a misbranded insecticide, and quantities of products known as "Soluble Pine Oil" and "Coal

Tar Disinfectant," which were adulterated and misbranded fungicides, all within the meaning of the Insecticide Act of 1910.

The Superl Moth Block was alleged to be misbranded in that the statements, "Superl Moth Block * * * For use in moth control, in * * * closely confined spaces. * * * Directions Remove lid from 'Superl Moth Block' and place inside drawer or trunk, etc. The vapor from Superl Moth Block is effective only when allowed to accumulate in a closely confined area," borne on the label, were false and misleading and tended to deceive and mislead purchasers, since the product would not control moths, i. e., clothes moths, in all closely confined spaces.

The Soluble Pine Oil was alleged to be adulterated in that its strength and purity fell below the professed standard and quality under which it was sold, namely, "Water, not over 10%."

The Soluble Pine Oil was alleged to be misbranded in that the statements, "A most Powerful Germicide and Antiseptic. * * * Will Quickly Destroy Foul Odor or Disease Germs. * * * Water, not over 10%," borne on the label, were false and misleading and tended to deceive and mislead purchasers, since it was not a most powerful germicide, would not destroy all foul odors or all disease germs, and it did contain more than 10 percent of water.

The Coal Tar Disinfectant was alleged to be adulterated in that it did not consist completely of coal tar disinfectant, but another substance, namely mineral oil, had been substituted in part for the coal tar disinfectant.

The Coal Tar Disinfectant was alleged to be misbranded since the statement, "Coal Tar Disinfectant," borne on the label, was false and misleading and tended to deceive and mislead purchasers, since the product did not consist completely of coal tar disinfectant, but did consist of coal tar disinfectant and mineral oil. This product was alleged to be misbranded further in that it consisted partially of inert substances, namely, water and mineral oil, and the name and the percentage amount thereof were not stated plainly and correctly on the label; nor in lieu thereof were the name and the percentage amount of the substance or ingredient of the product having fungicidal properties, and the total percentage of the inert substances or ingredients, stated plainly and correctly upon the label.

On December 5, 1940, a plea of guilty was entered and a fine of \$60 was imposed.

GROVER B. HILL,
Acting Secretary of Agriculture.

1777. Adulteration and misbranding of Pine Oil Emulsion. U. S. v. Lloyd M. Curtis and Charles D. Folse, co-partners, trading as the Curtis-Folse Laboratories. Plea of guilty. Fine, \$1 and costs. (I. & F. No. 2192. Sample No. 4245-E.)

Samples of this product were found to contain more than 10 percent of water, the quantity stated on the label. The label also bore inferences that the product would kill all bacteria when used as directed.

On November 23, 1940, the United States attorney for the District of Kansas, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Lloyd M. Curtis and Charles D. Folse, co-partners, trading at Kansas City, Kans., under the name of Curtis-Folse Laboratories, alleging shipment in interstate commerce, on or about December 12, 1939, from Kansas City, Kans., into the State of Wisconsin, of a quantity of "Pine Oil Emulsion," which was an adulterated and misbranded fungicide within the meaning of the Insecticide Act of 1910.

The product was alleged to be adulterated in that its strength and purity fell below the professed standard and quality under which it was sold, namely, "Inert, water, not more than 10%."

The product was alleged to be misbranded in that the statements, "Pine Oil Emulsion * * * Inert, water, not more than 10% * * * Directions Mix one quart with five gallons of water (3%) to use as spray. Mix one ounce with a gallon of water as wash for parasite infestations," borne on the label, were false and misleading and tended to deceive and mislead the purchaser, since the article contained water in a proportion greater than 10 per cent and since it would not kill all parasites when used as directed.

On December 6, 1940, a plea of guilty was entered and a fine of \$1 and costs was imposed.

GROVER B. HILL,
Acting Secretary of Agriculture.

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